

INFORMATION TO OBTAIN A SEARCH WARRANT

CANADA: PROVINCE OF BRITISH COLUMBIA

Pursuant to Section 487 of the *Criminal Code of Canada*
 Pursuant to Section 21 of the *Offence Act of British Columbia*
 Pursuant to Section 107 of the *Environmental Management Act*

VO959-2012

This is the information of Daniel HOLMES

of Environment Canada located at 401 Burrard Street, Vancouver, in the Province of British Columbia Environmental Enforcement Officer (the "informant"), taken before me.

The informant says that an offence has been committed, namely,

OFFENCE DATE	PLACE	DESCRIPTION	SECTION / ACT
As per Appendix A			

and recovery of the following things, namely,

As per Appendix B

will afford evidence with respect to the commission of the above offence, and that the informant has reasonable grounds for believing that the things or some part of them are in the Business and delivery vehicles located at

160-6651 Elmbridge Way, Richmond
(Street Address) (Premises)
(City or Municipality)

in the Province of British Columbia. ("The Premises")

GROUNDS OF BELIEF:

As per Appendix C

(If more space is needed, add pages and initial)

The informant requests a search warrant be granted to search the premises for the things;

by day

by night, because _____

Sworn / Affirmed before me on NOV 17 2012

at Burnaby,
British Columbia.

A Justice of the Peace in and for the Province of British Columbia
S. Trochta

Name: Justice of the Peace

Signature of Informant
Daniel Holmes

Table 1: Dry-cleaning business in which documents are requested to be searched at Prairie Distributors (B.C.) Inc. office in Richmond, British Columbia. Note that dry cleaner names may vary slightly. For example, "Acme Cleaners" may sometimes appear as "Acme Dry Cleaners" or "Acme Drycleaners".

Regulatee	Address	City	Postal Code
BUSY BEE CLEANERS (41ST AVE) - SONG'S DRYCLEANERS	3556 - 41ST AVE W	Vancouver	V6N3E6
CHECKMATE DRY CLEANING	4001 KNIGHT ST	Vancouver	V5N3L9
CONNAUGHT CLEANERS	3218 OAK ST	Vancouver	V6H2L3
ESQUIRE FINE CLEANERS - TAAAF INVESTMENTS INC.	1915 CORNWALL AVE	Vancouver	V6J1C8
VANITY CLEANERS LTD	1178 DAVIE ST	Vancouver	V6E1N1
MACDONALD DRY CLEANING	4103 MACDONALD ST	Vancouver	V6L2P1
POLO CLEANERS - W. D. SERVICE ENTERPRISE LTD.	1247 DAVIE ST	Vancouver	V6E1N4
SPARKLE CLEANERS LTD	3223 FRASER ST	Vancouver	V5V4B8
BOUNDARY PARK CLEANERS - SULAK ENTERPRISES LTD	133 - 6350 120TH ST	Surrey	V3X3K1
SAVE ON DRY CLEANING LTD - DALJIT DHILLON ENTERPRISE LTD.	7690 134TH ST	Surrey	V3W7T8
SUNNYSIDE BUSY BEE CLEANERS	2387 KING GEORGE HWY	Surrey	V4A5A4
WESTVIEW DRYCLEANERS AND LAUNDROMAT - AMKAN ENTERPRISES LTD	4296B JOYCE AVE	Powell River	V8A3A2
HALLMARK CLEANERS LTD	2505 ST JOHNS ST	Port Moody	V3H2B3
JEFFERIES DRY CLEANERS - GOLDEN ROCK HOLDINGS LIMITED	2045 OLD DOLLARTON ROAD	North Vancouver	V7H1A6
LESTERS CLEANERS - 467891 BC LTD	124 14TH ST E	North Vancouver	V7L2N3
TIP TOP DRY CLEANING - Z & Z ENTERPRISES	816 12TH ST	New Westminster	V3M4K1
GENIE'S FINE DRYCLEANING	7263 - 120TH ST	Delta	V4C6P5
MONEY'S DRYCLEANING - 0901944 BC LTD	4000 EAST HASTINGS	Burnaby	V5C2H9
TUESDAYS DRY CLEANERS	7583 EDMONDS ST	Burnaby	V3N1B5
A-STAR DRY CLEANERS - 0864288 BC LTD	6261-A KINGSWAY	Burnaby	V5J1H4
YAGER'S PAYLESS DRY CLEANING/ONE STOP PAYLESS	8829 120 ST / 9265 120 ST	Delta	V4C6R6/ V4C6R8

will afford evidence with respect to the commission of the above offense, and that the informant has reasonable grounds for believing that the things or some part of them are in the premises and delivery vehicles of Prairie Distributors (B.C.) Inc. and Enviro-Serv Recycling Services Inc. at 160-6651 Elmbridge Way, Richmond, British Columbia ("The Premises").

Appendix C

Grounds for Belief

Introduction:

1. I, Daniel HOLMES am an Enforcement Officer with Environment Canada, pursuant to section 217 of the *Canadian Environmental Protection Act, 1999* (CEPA 1999). Subsection 217 (3) of *Canadian Environmental Protection Act, 1999* provides Enforcement Officer's with the powers of a peace officer, pursuant to Section 2 of the Criminal Code (R.S.C. 1985, c. C-46), while performing duties for the purposes of the Act and its Regulations.
2. Enforcement Officers are granted the powers of inspection by Subsection 218(1) of the *Canadian Environmental Protection Act, 1999*. This includes having the powers to enter and inspect any place if the Enforcement Officer has reasonable grounds to believe it contains a substance or record relevant to the administration of the Act. As per subsection 218(10), during an inspection an Enforcement Officer may open and examine any receptacle or package that is believed to contain any substance or product relevant to the administration of the Act. Additionally, Enforcement Officers may examine and make copies of any documents or electronic data and take samples, conduct tests and take measurements of anything relevant to the Act. According to Section 223, if an Enforcement Officer has reasonable grounds to believe a violation has taken place he/she may seize and detain anything related to the contravention during an inspection. Section 227 of the *Canadian Environmental Protection Act, 1999* also states that the owner or operator of the place being inspected must give Enforcement Officers all reasonable assistance to carry out their duties.
3. I have been employed as an Enforcement Officer with Environment Canada since September 2012. During this time I have conducted over a dozen inspections of dry cleaners under the *Tetrachloroethylene (Use in Dry Cleaning and Reporting Requirements) Regulations*. Environment Canada Enforcement Officers conduct inspections on dry-cleaning facilities, and sellers of tetrachloroethylene, to ensure compliance with the *Regulations*. During inspections at dry-cleaning facilities Enforcement Officers verify compliance with a number of different sections of the *Regulations*. These include verifying the use of tetrachloroethylene and how it is handled. Officers also look at how tetrachloroethylene wastes are stored onsite and how they are disposed of offsite. Officers also inspect the dry-cleaning facility and machine to ensure it has all the required parts and review documentation supplied by the owner or operator of the business, as required under the *Regulations*.
4. I know from my training and experience as an Enforcement Officer that tetrachloroethylene sometimes referred to as perchloroethylene is a chemical used in the dry-cleaning industry and is commonly referred to as "Perc." Therefore, the term Perc is used interchangeably with tetrachloroethylene and perchloroethylene throughout the remainder of this Information.

5. The Regulatory Impact Analysis Statement for the *Tetrachloroethylene (Use in Dry Cleaning and Reporting Requirements) Regulations* was published in the Canada Gazette Part II and states the purpose of the *Regulations* as follows:

Tetrachloroethylene was included in the list of 44 substances that was published as the first Priority Substances List (PSL1) in the Canada Gazette, Part I, on February 11, 1989, under the auspices of the Canadian Environmental Protection Act, 1988 (CEPA 1988). These substances were given priority by the Departments of the Environment and Health for assessing whether they are "toxic or capable of becoming toxic" according to the definition specified in section 11 of the Act. On February 5, 1994, a synopsis of the results of the tetrachloroethylene assessment as a toxic substance under paragraph 11(a) of CEPA 1988 was published in the Canada Gazette, Part I.

The purpose of the Tetrachloroethylene (Use in Dry Cleaning and Reporting Requirements) Regulations is to reduce releases of tetrachloroethylene to the environment from dry-cleaning facilities. These reductions will be attained by requiring newer, more efficient dry-cleaning machines, by minimizing spills of tetrachloroethylene, and by managing the collection and disposal of residues and waste water.

6. According to subparagraph 5(f)(i) of the *Tetrachloroethylene (Use in Dry Cleaning and Reporting Requirements) Regulations*:
 5. No person shall sell tetrachloroethylene to the owner or operator of a dry-cleaning machine or use tetrachloroethylene for dry cleaning unless the dry-cleaning machine
 - a. is operated within a dry-cleaning facility that is equipped with
 - (i) a tetrachloroethylene-impermeable secondary containment system encompassing at least the entire surface under each dry-cleaning machine, tank or other container containing tetrachloroethylene, waste water or residue and capable of containing at least 110% of the capacity of the largest tank or container within the containment system...

7. According to section 1 of the *Tetrachloroethylene (Use in Dry Cleaning and Reporting Requirements) Regulations*:

"residue" means any solid, liquid or sludge waste containing tetrachloroethylene, other than waste water, that is produced at a dry-cleaning facility, and;

"waste water" means waste water containing tetrachloroethylene, that is produced by a dry-cleaning machine or during the regeneration of a carbon adsorber.

8. Residue found at dry-cleaning facilities is most commonly sludge and lint produced by the dry-cleaning machine as well as used filters. All residues and waste water are required to be stored within a secondary containment system.

Grounds to Believe that an Offence was Committed:

A: Inspections at Dry-Cleaning Facilities

9. From June 18 to November 16, 2012, I received information from Environment Canada Enforcement Officers Pia RASMUSSEN, Roy KENDAL, Max MCDONALD, Graham GIBSON, Elizabeth GRACA and Tanya MALLOY. Officers RASMUSSEN, KENDAL, MCDONALD, GIBSON, GRACA and MALLOY are all members of the Pacific Yukon Region Environmental Enforcement Directorate. Each of these officers advised me that they had completed an inspection of a dry-cleaning facility in British Columbia between June 18 and August 28. The officers advised me:
 - a. a total of 48 dry-cleaning facilities were inspected;
 - b. twenty one of the dry-cleaning facilities inspected were determined to have at least one container of Perc, waste water or residue without a secondary containment system;
 - i. Table 1 sets out the names and address of the noncompliant dry cleaners. The name of the inspecting officers is included.
10. I participated in the inspections of dry-cleaning facilities in British Columbia between June 18 and June 22 and have included the information I collected during the inspections in this information.
 - a. Table 1 sets out the names and address of the noncompliant dry cleaners I inspected.
11. With respect to each of the noncompliant dry-cleaning facilities, an Enforcement Officers that participated in the inspection (as listed in table 2) advised me that:
 - a. they inspected the dry-cleaning facility at the address provided in table 1;
 - b. they spoke to the owner, operator or an employee working at the dry-cleaning facility. The names of the individuals spoken to at the facility are provided in table 2;
 - c. they were told by the owner, operator or an employee that the dry-cleaning facility uses Perc in dry cleaning apparel goods;
 - d. they asked the owner, operator or an employee of the dry-cleaning facility who supplied the business with Perc for dry-cleaning apparel goods;
 - e. they requested documents from the owner, operator or an employee at the dry-cleaning facility to confirm they had purchased Perc from a supplier;
 - f. they asked the owner, operator or an employee at the dry-cleaning facility who removed waste water and/or residue from the business;
 - g. they requested documents from the owner, operator or an employee of the dry-cleaning facility to confirm that residue and/or waste water had been removed from the dry-cleaning facility;

- h. they tried to identify all containers of Perc, waste water and residue at the dry-cleaning facility without a secondary containment system.

12. Under subsection 14(b) of the *Tetrachloroethylene (Use in Dry Cleaning and Reporting Requirements) Regulations* an owner or operator of a dry-cleaning facility must submit an Annual Report to Environment Canada disclosing information laid out in Schedule 4 of the Regulation including:

- a. the quantity of Perc and the date purchased within the year;
- b. the quantity of residue, waste water or a mixture of the two that was transported from the dry-cleaning facility to a waste management facility within the year;
- c. name and contact details of the person who transported the residue, waste water or mixed of the two from the dry-cleaning facility to the waste management facility;
- d. an optional field was provided for the 2011 Annual Report template for dry cleaners to include there Perc supplier.

13. Dry cleaners mail there Annual Reports to Environment Canada's office located at 201-401 Burrard St, Vancouver, British Columbia. Enforcement Officer Pia RASMUSSEN, who is the Regional Lead for the *Tetrachloroethylene (Use in Dry Cleaning and Reporting Requirements) Regulations* in British Columbia and the Yukon, told me on November 16, 2012 that:

- a. an administrative assistant receives the reports by mail and stamps the date received;
- b. the administrative assistant then forwards the reports to RASMUSSEN or someone RASMUSSEN designates to receive the Annual Reports;
- c. RASMUSSEN or someone directed by RASMUSSEN then scans the 2011 Annual Reports and saves a copy of the report on Environment Canada secure network drive;

14. On November 16, 2012, I reviewed copies of the dry cleaners 2011 Annual Reports on the Environment Canada's secure network drive with the exception of:

- a. dry cleaners that did not submit a 2011 Annual Report to Environment Canada:
 - i. MacDonald Dry Cleaning
 - ii. Yager's Payless Dry Cleaning
- b. dry cleaners that submitted a 2011 Annual Report late:
 - i. Save On Dry Cleaning Ltd.

15. On June 20, 2012 Enforcement Officers Roy KENDAL and Pia RASMUSSEN completed an inspection of Busy Bee Cleaners at 3556 – 41st Ave W, Vancouver, British Columbia. KENDAL verbally confirmed the findings of the

inspection while reviewing his own inspection notes with me on November 1, 2012. According to KENDAL during the inspection:

- a. John SONG, the owner of Busy Bee Cleaners told KENDAL that the business uses Perc to dry clean apparel goods;
- b. SONG told KENDAL that Busy Bee Cleaners had been sold Perc by Prairie Distributors (B.C.) Inc.;
- c. SONG provided KENDAL with a copy of a letter from Prairie Distributors (B.C.) Inc. addressed to Busy Bee on 41st Avenue in Vancouver. KENDAL provided me with the letter for review on November 1, 2012. The letter is dated March 26, 2012 and provides a summary of all Perc sold by Prairie Distributors (BC) Inc. to Busy Bee Cleaners in 2011. According to the letter a total of 138 litres of Perc was sold to Busy Bee Cleaners over two separate sales;
- d. KENDAL observed what he believed to be two containers of sludge (residue) and 1 container of lint (residue) with no secondary containment system.

16. On November 16, 2012, I reviewed Busy Bee Cleaners 2011 Annual Report that was received by Environment Canada on April 23, 2012. I accessed a scanned copy of the report on Environment Canada's secure online network. According to the document:

- a. it was signed by Jong Bae SONG;
- b. PDI supplied Busy Bee Cleaners with Perc in 2011;
- c. Busy Bee Cleaners purchased at total of 224 kg of Perc in 2011;
- d. Prairie Distributors (B.C.) Inc. removed 72 kg of waste water and residue from the facility on October 24, 2011.

17. A letter from Prairie Distributors (BC) Inc. addressed to Busy Bee – 41 St was enclosed with the 2011 Annual Report. The letter was dated March 26, 2012 and provided a summary of all the Perc that was sold to Busy Bee Cleaners by Prairie Distributors Inc. in 2011. A total of 138 litres of Perc was sold to Busy Bee over two separate sales.

18. On June 21, 2012 Enforcement Officer Elizabeth GRACA and I completed an onsite inspection at Checkmate Dry Cleaners located at 4001 Knight St., Vancouver, British Columbia. During the inspection:

- a. I was told by the manager of Checkmate Dry Cleaners, Gyenong Ho LEE that the business uses Perc to dry clean apparel goods;
- b. I was told by LEE that the business is sold Perc by a company that is not Prairie Distributors (B.C.) Inc.;
- c. LEE showed me a copy of an invoice for the purchase of Perc from a company that was not Prairie Distributors (B.C.) Inc. A photograph of the

invoice was taken by GRACA. GRACA gave me a digital copy of the image;

- d. I observed what I believed to be one container of sludge (residue) and one container of lint (residue) with no secondary containment system;
- e. LEE verbally confirmed that the contents of the containers were residue.

19. On November 16, 2012, I reviewed Checkmate Dry Cleaning 2011 Annual Report that was received by Environment Canada on April 30, 2012. I accessed a scanned copy of the report on Environment Canada's secure online network. According to the document:

- a. it was signed by Gyeong Ho Lee;
- b. Checkmate Dry Cleaning purchased a total of 349.92 kg of Perc in 2011;

20. On June 21, 2012 Enforcement Officer Elizabeth GRACA and I completed an inspection at Connaught Cleaners located at 3218 Oak St, Vancouver, British Columbia. During the inspection:

- a. I was told by the manager of Connaught Cleaners, Jung Min CHO that the business uses Perc to dry clean appeal goods;
- b. I was told by CHO that the business is sold Perc by Prairie Distributors (B.C.) Inc.;
- c. CHO showed me an invoice dated March 2, 2012 for the purchase of 72 litres of Perc from Prairie Distributors (B.C.) Inc. GRACA took a photograph of the invoice and provided me with a copy of the digital image;
- d. I observed what I believed to be two containers of waste water and one container of sludge (residue) with no secondary containment system;
- e. CHO verbally confirmed to me that the waste water containers contained waste water and the container of residue contained residue.

21. On November 16, 2012, I reviewed Connaught Dry Cleaner's 2011 Annual Report that was received by Environment Canada on April 30, 2012. I accessed a scanned copy of the report on Environment Canada's secure online network. According to the document:

- a. it was signed by Jung Min CHO;
- b. Prairie Distributors (B.C.) supplied Connaught Dry Cleaners with Perc in 2011;
- c. Connaught Dry Cleaner's purchased at total of 468 kg of Perc in 2011.

22. On June 18, 2012, Enforcement Officer Pia RASMUSSEN and I completed an inspection at Esquire Fine Cleaners at 1915 Cornwall Ave, Vancouver, British Columbia. During the inspection:

- a. I was told by the manager of Esquire Fine Cleaners, Amin ISMAIL that the business uses Perc to dry clean apparel goods;

- b. I was told by ISMAIL that the business is sold Perc by a company that is not Prairie Distributors (B.C.) Inc.;
- c. On July 19, 2012 ISMAIL emailed me a copy of an invoice for the purchase of Perc from a supplier that was not Prairie Distributors (B.C.) Inc.;
- d. I observed what I believed to be one container of lint (residue) and one waste water treatment system with no secondary containment system;
- e. ISMAIL verbally confirmed to me that the container of residue contained residue and the waste water treatment system contained waste water.

23. On November 16, 2012, I reviewed Esquire Fine Cleaners 2011 Annual Report that was received by Environment Canada on April 2, 2012. I accessed a scanned copy of the report on Environment Canada's secure online network. According to the document:

- a. it was signed by Amin M. ISMAIL;
- b. Esquire Fine Cleaners purchased at total of 632.8 kg of Perc in 2011.

24. On June 18, 2012, Enforcement Officer Pia RASMUSSEN and I completed an inspection of Vanity Cleaners Ltd. at 1178 Davie St, Vancouver, British Columbia. RASMUSSEN verbally confirmed the findings of the inspection while reviewing her own inspection notes with me on November 1, 2012. According to RASMUSSEN during the inspection:

- a. RASMUSSEN was told by an employee of Vanity Cleaners Ltd., Balwinder DHILLON that the business uses Perc to dry clean apparel goods;
- b. DHILLON told RASMUSSEN that Vanity Cleaners Ltd. was sold Perc by Prairie Distributors (B.C.) Inc.;
- c. RASMUSSEN observed what she believed to be two sludge containers (residue), one lint container (residue) and one waste water treatment system without a secondary containment system.

25. On August 14, 2012, RASMUSSEN received documents in the mail from Vanity Cleaners. RASMUSSEN provided the documents to me for review on November 1, 2012. One of the documents was a letter dated March 26, 2012 from Prairie Distributors (B.C.) Inc. to Vanity Cleaners. The letter provided a summary of all the Perc that was sold to Vanity Cleaners by Prairie Distributors (B.C.) Inc. in 2011. A total of 216 litres of Perc was sold to Vanity over 3 separate sales.

26. On July 10, 2012, RASMUSSEN spoke to the owner of Vanity Cleaners Ltd., Sadrudin JIVRAJ on the phone. On November 1, 2012, RASMUSSEN informed me of the conversation and advised that in that conversation:

- a. RASMUSSEN informed JIVRAJ that two sludge containers, one container of lint and one waste water treatment system identified onsite required a secondary containment system, if they contain Perc, waste water and residue.

- b. During the conversation JIVRAJ did not deny the contents of any of the containers mentioned.

27. On November 16, 2012, I reviewed Vanity Cleaners Ltd. 2011 Annual Report that was received by Environment Canada on April 27, 2012. I accessed a scanned copy of the report on Environment Canada's secure online network. According to the document:

- a. it was signed by Sadrudin JIVRAJ;
- b. Vanity Cleaners Ltd. purchased a total of 351 kg of Perc in 2011.

28. On June 20, 2012 Enforcement Officer Pia RASMUSSEN and Roy KENDAL completed an inspection of MacDonald Dry Cleaning at 4103 MacDonald St, Vancouver, British Columbia. RASMUSSEN verbally confirmed the findings of the inspection while reviewing her own inspection notes with me on November 1, 2012. According to RASMUSSEN during the inspection:

- a. Betty CHOW an employee with MacDonald Dry Cleaning, told RASMUSSEN that the business uses Perc to dry clean apparel goods;
- b. CHOW told RASMUSSEN that MacDonald Dry Cleaning was sold Perc by Prairie Distributors (B.C.) Inc.;
- c. RASMUSSEN observed what she believed to be a waste water treatment system without a secondary containment system;
- d. the waste water treatment system RASMUSSEN believed to contain waste water was observed as having a hose used to drain fluid from the dry-cleaning machine into the system;
- e. RASMUSSEN verbally confirmed with CHOW that the waste water treatment system was used to treat waste water.

29. On June 18, 2012 Enforcement Officer Pia RASMUSSEN and I completed an inspection of Polo Cleaners at 1247 Davie St, Vancouver, British Columbia. RASMUSSEN verbally confirmed the findings of the inspection while reviewing her own inspection notes with me on November 1, 2012. According to RASMUSSEN during the inspection:

- a. RASMUSSEN was told by the owner of Polo Cleaners, Sophie DU that the business uses Perc for dry cleaning apparel goods;
- b. RASMUSSEN was told by DU that Polo Cleaners had been sold Perc by Prairie Distributors (B.C.) Inc.
- c. RASMUSSEN observed what she believed to be one container of waste water and one container of sludge (residue) with no secondary containment system;
- d. DU verbally confirmed to RASMUSSEN that the container of waste water contained waste water and the container of residue contained residue.

30. On July 19, 2012, Pia RASMUSSEN received a copy of an invoice for Perc sold by Prairie Distributors (B.C.) Inc. to Polo Cleaners. Polo Cleaners sent the

document to RASMUSSEN by mail. RASMUSSEN provided the document for my review on November 1, 2012. The document was dated June 20, 2012 and indicated 72 litres of Perc was sold to Polo Cleaners by Prairie Distributors (B.C.) Inc.

31. On November 16, 2012, I reviewed Polo Cleaners 2011 Annual Report that was received by Environment Canada on April 30, 2012. I accessed a scanned copy of the report on Environment Canada's secure online network. According to the document:

- a. it was signed by Sophie DU;
- b. PDI supplied Polo Cleaners with Perc in 2011;
- c. Polo Cleaners purchased a total of 351 kg of Perc in 2011.

32. On June 21, 2012 Elizabeth GRACA and I completed an inspection of Sparkle Cleaners Ltd. at 3223 Fraser St., Vancouver, British Columbia. During the inspection:

- a. I was told by the manager of Sparkle Cleaners Ltd., Kevin JANG that the business uses Perc to dry clean apparel goods;
- b. I was told by JANG that the business was sold Perc by Prairie Distributors (B.C.) Inc.;
- c. JANG provided me with an invoice for the purchase of Perc from Prairie Distributors (B.C.) Inc. The document was dated March 12, 2012 and indicated a purchase of 144 litres of Perc. A photograph of the invoice was taken by GRACA. GRACA provided me with a digital copy of the image;
- d. JANG provided me with a letter from Prairie Distributors (B.C.) Inc. addressed to Sparkle Cleaners Ltd. The letter was dated March 26, 2012 and provided the summary of all Perc sold by Prairie Distributors (B.C.) Inc. to Sparkle Cleaners Ltd. in 2011. A total of 288 litres of Perc was sold to Sparkle Cleaners Ltd. over 3 separate sales. A photograph of the letter was taken by GRACA. GRACA provided me with a digital copy of the image.
- e. I observed what I believed to be three containers of sludge (residue), three containers of lint (residue) and one waste water treatment system without a secondary containment system;
- f. JANG verbally confirmed to me that the six containers of residue contained residue and the waste water treatment system contained waste water.

33. On November 16, 2012, I reviewed Sparkle Cleaners 2011 Annual Report that was received by Environment Canada on February 20, 2012. I accessed a scanned copy of the report on Environment Canada's secure online network. According to the document:

- a. it was signed by Mike JANG;

- b. Prairie Distributors (B.C.) Inc. supplied Sparkle Cleaners with Perc in 2011;
- c. Sparkle Cleaners purchased at total of 466.56 kg of Perc in 2011.

34. On June 19, 2012 Enforcement Officers Roy KENDAL and Graham GIBSON completed an inspection of Boundary Park Cleaners at 133 – 6350 120 St, Surrey, British Columbia. KENDAL verbally confirmed the findings of the inspection while reviewing his own inspection notes with me on November 1, 2012. According to KENDAL during the inspection:

- a. The owner of Boundary Park Cleaners, Charnjit MANN told KENDAL that the dry-cleaning facility uses Perc to dry clean apparel goods;
- b. MANN told KENDAL that Boundary Park Cleaners was sold Perc by Prairie Distributors (B.C.) Inc.;
- c. KENDAL observed what he believed to be a waste water treatment system without a secondary containment system;
- d. MANN verbally confirmed to KENDAL that the waste water treatment system contained cleaned water that was previously waste water.

35. On September 17, 2012, KENDAL received a fax of an invoice for the purchase of tetrachloroethylene from Prairie Distributors (B.C.) Inc. KENDAL provided the invoice for me to review on November 1, 2012. The invoice is dated February 21, 2012 and it indicates the sale of 72 litres of tetrachloroethylene to Boundary Park Cleaners.

36. On November 16, 2012, I reviewed Boundary Park Cleaners 2011 Annual Report that was received by Environment Canada on April 18, 2012. I accessed a scanned copy of the report on Environment Canada's secure online network. According to the document:

- a. it was signed by Charnjit Kaur MANN;
- b. Boundary Park Cleaners purchased no Perc in 2011.

37. On June 19, 2012 Enforcement Officers Max MCDONALD and Elizabeth GRACA completed an inspection of Save On Drycleaning Ltd. at 7690 134th St., Surrey, British Columbia. MCDONALD verbally confirmed the findings of the inspection while reviewing his own inspection notes with me on November 1, 2012. MCDONALD advised me during the inspection:

- a. the owner of Save On Drycleaning Ltd., Daljit DHILLON told MCDONALD that the dry-cleaning facility uses Perc to dry clean apparel goods;
- b. DHILLON told MCDONALD that Save On Drycleaning Ltd. was sold Perc by Prairie Distributors (B.C.) Inc.;
- c. DHILLON told MCDONALD that a representative from Prairie Distributors (B.C.) Inc. had been onsite earlier in the day (June 19, 2012);

- d. MCDONALD observed what he believed to be five containers of Perc, one container of waste water and two containers of sludge (residue) without a secondary containment system;
- e. DHILLON verbally confirmed to MCDONALD that the contents of both residue containers contained residue;
- f. the container MCDONALD believed to contain waste water was observed as having a hose used to drain fluid from the dry-cleaning machine into the container;
- g. the five containers MCDONALD believed to contain Perc were labeled with a sticker saying Tetrachloroethylene (UN 1897);
- h. MCDONALD sampled one container he believed to contain Perc, two containers of sludge and the one container of waste water.

38. MCDONALD advised me on November 1, 2012 that:

- a. he submitted samples for analysis on June 19, 2012 to the Environment Canada's Pacific Environmental Science Centre located at 2645 Dollarton Highway in North Vancouver, British Columbia;

39. A laboratory report on the results, dated August 3, 2012, was provided to MCDONALD by mail. MCDONALD provided me with the report for review on November 1, 2012. According to the report all the samples MCDONALD collected contained Perc. The results were signed by Oxana BLAJKEVITCH, an Organic Chemistry Section Analyst from the Pacific Environmental Science Centre.

40. On November 16, 2012, I reviewed Save On Dry Cleaning Ltd. 2011 Annual Report that was received by Environment Canada on July 24, 2012. I was provided with a copy of the Annual Report by MCDONALD on September 26, 2012. According to the document:

- a. it was signed by Daljit DHILLON;
- b. PDI and another company are listed as supplying Save On Dry Cleaning with Perc in 2011;
- c. Save On Dry Cleaning purchased at total of 822 kg of Perc in 2011.

41. On June 18, 2012 Enforcement Officers Roy KENDAL and Elizabeth GRACA completed an inspection of Sunnyside Busy Bee Dry Cleaner at 2387 King George Highway, Surrey, British Columbia. KENDAL verbally confirmed the findings of the inspection while reviewing his own inspection notes with me on November 1, 2012. KENDAL advised me during the inspection:

- a. The owner of Sunnyside Busy Bee Cleaners, III Suck OH told KENDAL that the dry-cleaning facility uses Perc to dry clean apparel goods;
- b. OH told KENDAL that Sunnyside Busy Bee Dry Cleaner was sold Perc by Prairie Distributors (B.C.) Inc.;

- c. KENDAL observed what he believed to be one container of waste water and one container of sludge (residue) with no secondary containment system;
- d. GRACA sampled the waste water container and sludge container with no secondary containment.

42. KENDAL advised me on November 1, 2012 that:

- a. he submitted samples submitted for analysis on June 18, 2012 to the Pacific Environmental Science Centre located at 2645 Dollarton Highway in North Vancouver, British Columbia;

43. A laboratory report on the results dated July 19, 2012 was provided to KENDAL by mail. KENDAL provided me with the report for review on November 1, 2012. According to the report all the samples KENDAL collected contained tetrachloroethylene. The results were signed by Liane CHOW, a Chemistry Section Analyst with the Pacific Environmental Science Centre.

44. On November 16, 2012, I reviewed Sunnyside Busy Bee Cleaners 2011 Annual Report that was received by Environment Canada on May 7, 2012. I accessed a scanned copy of the report on Environment Canada's secure online network. According to the document:

- a. it was signed by Ill Suck OH;
- b. Prairie Distributors (B.C.) Inc. supplied Sunnyside Busy Bee Cleaners with Perc in 2011;
- c. Sunnyside Busy Bee Cleaners purchased a total of 234 kg of Perc in 2011;
- d. PDI is listed as the company that removed 72 kg of residue and 60 kg of waste water from the facility on October 31, 2011.

45. On June 27, 2012 Enforcement Officer Graham GIBSON completed an inspection of Westview Drycleaners at 4296B Joyce Ave., Powell River, British Columbia. GIBSON verbally confirmed the findings of the inspection while reviewing his own inspection notes with me on November 2, 2012. GIBSON advised me during the inspection:

- a. an employee of Westview Drycleaners, Linda LIPKA, told GIBSON that the dry-cleaning facility uses Perc to dry clean apparel goods;
- b. LIPKA told GIBSON that Westview Drycleaners was sold Perc by Prairie Distributors (B.C.) Inc.;
- c. GIBSON observed what he believed to be one container of sludge (residue) and one container of lint (residue) with no secondary containment;
- d. LIPKA verbally confirmed to GIBSON the two containers of residue contained residue.

46. On July 12, 2012 GIBSON received a fax from the owner of Westview Drycleaners, Kirit PATEL. GIBSON provided me with the fax to review on November 2, 2012.

- a. Enclosed in the fax was an invoice dated October 19, 2011 for the purchase of 144 litres of Perc from Prairie Distributors (B.C.) Inc.
- b. A second invoice for the sale of Perc dated July 6, 2009 was also enclosed in the fax. The invoice is for the sale of 144 litres of Perc from Prairie Distributors (B.C.) Inc.

47. On November 16, 2012, I reviewed Westview Drycleaners and Laundromat 2011 Annual Report that was received by Environment Canada on February 13, 2012. I accessed a scanned copy of the report on Environment Canada's secure online network. According to the document:

- a. it was signed by Kirit PATEL;
- b. Westview purchased at total of 232.28 kg of Perc in 2011.

48. On June 20, 2012 Enforcement Officers Max MCDONALD and Graham GIBSON completed an inspection of Hallmark Cleaners Ltd. at 2505 St John St., Port Moody, British Columbia. MCDONALD verbally confirmed the findings of the inspection while reviewing his own inspection notes with me on November 1, 2012. MCDONALD advised me that during the inspection:

- a. The owner of Hallmark Cleaners Ltd., Yew Lien KHUNG told MCDONALD that the dry-cleaning facility uses Perc to dry clean apparel goods;
- b. KHUNG told MCDONALD that Hallmark Cleaners Ltd. was sold Perc by Prairie Distributors (B.C.) Inc.;
- c. MCDONALD observed what he believed to be one container of waste water without a secondary containment system.

49. On November 16, 2012, I reviewed Hallmark Cleaners 2011 Annual Report that was received by Environment Canada on May 1, 2012. I accessed a scanned copy of the report on Environment Canada's secure online network. According to the document:

- a. it was signed by Yew Lien KHUNG;
- b. Hallmark Cleaners purchased at total of 74.52 kg of Perc in 2011.

50. On June 21, 2012 Enforcement Officers Pia RASMUSSEN and Max MCDONALD completed an inspection of Jefferies Dry Cleaners at 2045 Old Dollarton Rd, North Vancouver, British Columbia. RASMUSSEN verbally confirmed the findings of the inspection while reviewing her own inspection notes with me on November 1, 2012. RASMUSSEN advised me during the inspection:

- a. RASMUSSEN was told by Stella JEONG, an employee of Jefferies Dry Cleaning, that the business uses Perc to dry clean apparel goods;

- b. JEONG told RASMUSSEN that Jefferies Dry Cleaners was sold Perc by Prairie Distributors (B.C.) Inc.;
- c. RASMUSSEN observed what she believed to be a waste water treatment system and one container of sludge (residue) with no secondary containment system;
- d. JEONG verbally confirmed to RASMUSSEN the waste water treatment system contained waste water and the sludge container contained residue.

51. JEONG provided RASMUSSEN with an invoice for the purchase of Perc from Prairie Distributors (B.C.) Inc. RASMUSSEN provided me with a copy of the invoice to review on November 1, 2012. The invoice was dated July 19, 2011 and indicates that Jefferies Dry Cleaners purchased 72 litres of Perc. A photocopy of the original invoice was retained by RASMUSSEN;

52. On November 16, 2012, I reviewed Jefferies Dry Cleaners 2011 Annual Report that was received by Environment Canada on April 25, 2012. I accessed a scanned copy of the report on Environment Canada's secure online network. According to the document:

- a. it was signed by Nam Won JEONG;
- b. Jefferies Dry Cleaners purchased at total of 117 kg of Perc in 2011.

53. On June 21, 2012 Enforcement Officers Roy KENDAL and Graham GIBSON inspected Lesters Cleaners at 124 – 14th St E, North Vancouver, British Columbia. KENDAL and GIBSON verbally confirmed the findings of the inspection while reviewing there inspection notes with me on November 5, 2012. KENDAL and GIBSON advised me during the inspection:

- a. KENDAL was told by Ali DHARSHI, the owner of Lesters Cleaners that the business uses Perc to dry cleaning apparel goods;
- b. DHARSHI told KENDAL that Lesters Cleaners was sold Perc by Prairie Distributors (B.C.) Inc.;
- c. KENDAL observed what he believed to be two containers of waste water and one container of sludge (residue) with no secondary containment system;
- d. GIBSON took a photograph of the two waste water containers (included as Exhibit 4) without a secondary containment system;
- e. GIBSON took a photograph of the one residue container (included as Exhibit 5) without a secondary containment system;
- f. DHARSHI verbally confirmed to KENDAL that the two containers of waste water contained waste water;
- g. KENDAL sampled one waste water container and one sludge container with no secondary containment system.

54. On November 5, 2012, GIBSON advised me that samples were submitted on June 22, 2012 for analysis to the Pacific Environmental Science Centre located at 2645 Dollarton Highway in North Vancouver, British Columbia;

55. A laboratory report on the results dated July 31, 2012 was provided to KENDAL by mail. KENDAL provided me with the report for review on November 1, 2012. According to the report all the samples collected contained tetrachloroethylene. The results were signed by Oxana BLAJKEVITCH, a Chemistry Section Analyst with the Pacific Environmental Science Centre.

56. On November 5, 2012, GIBSON:

- a. advised me on October 17, 2012, Roy KENDAL and Graham GIBSON took a cautioned statement from the owner of Lesters Cleaners, Alhamid DHARSHI;
- b. advised me he had the statement transcribed by Total Reporting Services Ltd. located at 108-970 Burrard St., Vancouver, British Columbia;
- c. provided me with copies of the photographs taken during the inspection on June 21, 2012.

57. I was emailed a copy of the transcript by Marilyn JAMERNIK of Total Reporting Services Ltd. on November 5, 2012 (included as exhibit 3). I was told by JAMERNIK in a phone conversation on November 5, 2012, that the transcript had not gone through a final edit and some inconsistencies may exist between the audio recording and the transcript. The transcript recording include the following:

- a. DHARSHI told GIBSON that Lesters Cleaners dry cleans clothing using Perc;
- b. DHARSHI told GIBSON that Lesters Cleaners is supplied Perc by Prairie Distributors;
- c. DHARSHI told GIBSON that two buckets photographed during the inspection completed on June 21, 2012 (included as Exhibit 4) contained approximately 80% water and 10-20% Perc, and that the substance in the buckets was generated by the dry-cleaning machine onsite;
- d. DHARSHI told GIBSON that drivers from Prairie Distributors (B.C.) Inc. that deliver Perc to Lesters Cleaners would not have seen the two buckets without a secondary containment system. DHARSHI explained that this was because:
 - a. drivers do not look behind the dry-cleaning machine where the containers are located;
 - b. the state of the dry-cleaning facility during the inspection on June 21, 2012, is "very rare".
- e. DHARSHI told GIBSON that a blue barrel photographed during the inspection completed on June 21, 2012 (included as exhibit 5) contained material that was emptied from the distiller in the dry-cleaning machine.

DHARSHI called the material sludge that consists of dirt left over after cooking Perc. The photograph includes three blue barrels but DHARSHI only indicated that the container at the bottom right of the photograph contained sludge;

- f. DHARSHI told GIBSON that the blue barrel of sludge pictured in exhibit 5 has been without secondary containment for three or 4 months. DHARSHI purchased a "metal thing" eight or nine years ago but removed it to clean up after a spill and never replaced it.
- g. DHARSHI told GIBSON drivers from Prairie Distributors (B.C.) Inc. would not have observed the container of sludge without a secondary containment system as drivers do not enter the room where the sludge container was located during Perc deliveries;
- h. DHARSHI told GIBSON that drivers from Prairie Distributors (B.C.) Inc. do not inspect the business prior to delivering Perc and have never refused to delivery Perc due to any concerns about secondary containment.

58. On November 16, 2012, I reviewed Lesters Cleaners 2011 Annual Report that was received by Environment Canada on May 1, 2012 I accessed a scanned copy of the report on Environment Canada's secure online network. According to the document:

- a. it was signed by Ali DHARSM;
- b. Prairie Distributors (B.C.) Inc. supplied Lesters Cleaners with Perc in 2011;
- c. Lesters Cleaners purchased at total of 936 kg of Perc in 2011;
- d. Prairie Distributors (B.C.) Inc. is listed as the company that removed and transported a total of 288 kg of residue from the dry-cleaning facility to a waste management facility on 2011.

59. On June 19, 2012 Enforcement Officer Pia RASMUSSEN and I completed an inspection of Tip Top Drycleaners at 816 12th St, New Westminster, British Columbia. RASMUSSEN verbally confirmed the findings of the inspection while reviewing her inspection notes with me on November 2, 2012. RASMUSSEN advised me during the inspection:

- a. RASMUSSEN was told by the owner of Tip Top Drycleaners, Javed MEMON, that the business uses Perc to dry clean apparel goods;
- b. RASMUSSEN was told by MEMON that Tip Top Drycleaners was sold Perc by Prairie Distributors (B.C.) Inc.;
- c. RASMUSSEN observed what she believed to be one container of waste water, one container of sludge (residue) and one waste water treatment system with no secondary containment system;
- d. MEMON verbally confirmed to RASMUSSEN the contents of the sludge container and that the waste water treatment system was used to treat waste water;

- e. RASMUSSEN observed the container believed to contain waste water having a hose used to drain fluid from the dry-cleaning machine into the container.

60. On November 16, 2012, I reviewed Tip Top Dry Cleaner 2011 Annual Report that was received by Environment Canada on May 2, 2012. I accessed a scanned copy of the report on Environment Canada's secure online network. According to the document:

- a. it was signed by Javed MEMON;
- b. Tip Top Dry Cleaners purchased at total of 72 litres of Perc in 2011.

61. On June 18, 2012 Enforcement Officers Graham GIBSON and Roy KENDAL completed an inspection of Genie's Fine Drycleaning at 7263 – 120th St., Delta, British Columbia. GIBSON verbally confirmed the findings of the inspection while reviewing his inspection notes with me on November 2, 2012. GIBSON advised me during the inspection:

- a. GIBSON was told by Ming Sam TSANG, the owner of Genie's Fine Drycleaning that the business uses Perc to dry clean apparel goods;
- b. TSANG told GIBSON that Genie's Fine Drycleaning was sold Perc by Prairie Distributors (B.C.) Inc.;
- c. GIBSON observed what he believed to be one container of waste water, one container of sludge (residue) and one container of lint (residue) with no secondary containment system;
- d. TSANG verbally confirmed to GIBSON that the container of waste water contained waste water and the two containers of residue contained residue.

62. On November 16, 2012, I reviewed Genie's Dry Cleaning 2011 Annual Report that was received by Environment Canada on April 11, 2012. I accessed a scanned copy of the report on Environment Canada's secure online network. According to the document:

- a. it was signed by Ming Sam TSANG;
- b. PDI supplied Genie's Dry Cleaning with Perc in 2011;
- c. Genie's Dry Cleaning purchased at total of 453.6 kg of Perc in 2011;
- d. Prairie Distributors (B.C.) Inc. is listed as the company that removed and transported waste water and residue from the dry-cleaning facility to a waste management facility on July 15, 2011.

63. On June 20, 2012 Enforcement Officers Graham GIBSON and Max MCDONALD completed an inspection of Money's Dry Cleaning at 4000 East Hastings, Burnaby, British Columbia. GIBSON verbally confirmed the findings of the inspection while reviewing his inspection notes with me on November 2, 2012. GIBSON advised me during the inspection:

- a. GIBSON was told by Derek NGUYEN, the manager of Money's Dry Cleaning that the business uses Perc to dry clean apparel goods;
- b. NGUYEN told GIBSON that Money's Dry Cleaning was sold Perc by Prairie Distributors (B.C.) Inc.;
- c. GIBSON observed what he believed to be one container of sludge (residue) and one filter with no secondary containment system;
- d. NGUYEN verbally confirmed to GIBSON the container of residue contained residue and stated the filter had been used in a dry-cleaning machine.

64. On November 16, 2012, I reviewed Money's Dry Cleaning 2011 Annual Report that was received by Environment Canada on April 3, 2012. I accessed a scanned copy of the report on Environment Canada's secure online network. According to the document:

- a. it was signed by Derek NGUYEN;
- b. PDI supplied Money's Dry Cleaning with Perc in 2011;
- c. Money's Dry Cleaning purchased a total of 699.84 kg of Perc in 2011.

65. On June 19, 2012 Enforcement Officer Pia RASMUSSEN and I completed an inspection of Tuesdays Drycleaners at 7583 Edmonds St., Burnaby, British Columbia. During the inspection:

- a. I was told by the owner of Tuesday Drycleaners, Shawn KIM that the dry-cleaning facility uses Perc to dry clean apparel goods;
- b. I was told by KIM that Tuesday Drycleaners was sold Perc by Prairie Distributors (B.C.) Inc.;
- c. KIM provided two invoices to RASMUSSEN for the sale of Perc from Prairie Distributors (B.C.) Inc. RASMUSSEN made photocopies of each document and provided them to me for review on June 19, 2012;
 - a. an invoice dated November 10, 2011 indicated the sale of 72 litres of Perc to Tuesday Drycleaners;
 - b. an invoice dated May 19, 2011 indicated the sale of 72 litres of Perc to Tuesday Drycleaners.
- d. I observed what I believed to be one container of waste water and one container of sludge (residue) with no secondary containment system;
- e. KIM verbally confirmed to me that the container of waste water contained waste water and the container of residue contained residue.

66. On November 16, 2012, I reviewed Tuesdays Drycleaners 2011 Annual Report that was received by Environment Canada on April 5, 2012. I accessed a scanned copy of the report on Environment Canada's secure online network. According to the document:

- a. it was signed by Shawn KIM;

- b. Tuesdays Drycleaners purchased at total of 233.28 kg of Perc in 2011.

67. On June 19, 2012 Enforcement Officer Pia RASMUSSEN and I completed an inspection of A-Star Drycleaners at 6261 – A Kingsway, Burnaby, British Columbia. During the inspection:

- a. I was told by the owner of A-Star Drycleaners, Zhong Hua YAO that the facility uses Perc to dry clean apparel goods;
- b. I was told by YAO that A-Star Dry Cleaners was sold Perc by Prairie Distributors (B.C.) Inc.;
- c. I observed what I believed to be one container of sludge (residue) without a secondary containment system;
- d. YAO verbally confirmed to me that the container of residue contained residue.

68. On June 22, 2012 I received an email from YAO. Attached to the email was a copy of a letter from Prairie Distributors (B.C.) Inc. addressed to A-Star Drycleaners. The letter was dated March 26, 2012 and provided a summary of all the Perc sold to A-Star Drycleaners by Prairie Distributors (B.C.) Inc. in 2011. A total of 216 litres of Perc was sold to A-Star Drycleaners over 3 separate sales.

69. On November 16, 2012, I reviewed A-Star Drycleaners 2011 Annual Report that was received by Environment Canada on April 16, 2012. I accessed a scanned copy of the report on Environment Canada's secure online network. According to the document:

- a. it was signed by Zhong Hua Yao;
- b. PDI supplied A-Star Dry Cleaners with Perc in 2011;
- c. A-Star Drycleaners purchased at total of 351 kg of Perc in 2011;
- d. Enviro-Serv Recycling Services Inc. is listed as the company that removed and transported residue from the dry-cleaning facility to a waste management facility.

70. On August 28, 2012 Enforcement Officers Tanya MALLOY and Alain GAUTHIER completed an inspection of Yager's Payless Dry Cleaning at 8829 120 St, Delta, British Columbia. MALLOY confirmed the findings of the inspection while reviewing her inspection notes via email on November 2, 2012. During the inspection:

- a. MALLOY was told by an employee of Yager's Payless Dry Cleaning, Indernt KANG, that the business uses Perc to dry clean apparel goods;
- b. KANG told MALLOY that Yager's Payless Dry Cleaning was delivered Perc by Prairie Distributors (B.C.) Inc.;
- c. MALLOY observed what she believed to be one container of waste water, one container of sludge (residue), two containers of lint (residue) and 10

- filters from a dry-cleaning machine with no secondary containment system;
- d. KANG told MALLOY that the filters had been used in a dry-cleaning machine that had been removed from the business and replaced with a different machine;
- e. the container MALLOY believed contained waste water was observed as having a hose used to drain fluid from the dry-cleaning machine into the container;
- f. GAUTHIER sampled one waste water container, one sludge container, one lint container and one filter.

71. MALLOY advised me on November 2, 2012, that she submitted samples for analysis on August 28, 2012, to the Pacific Environmental Science Centre located at 2645 Dollarton Highway in North Vancouver, British Columbia:

72. A laboratory report on the results dated October 5, 2012 was provided to MALLOY by mail. MALLOY provided me with a verbal summary of the results on November 2, 2012. According to the report all the samples collected contained Perc. The results were signed by Liane CHOW a Chemistry Section Analyst with the Pacific Environmental Science Centre.

73. Malloy advised me on November 2, 2012 that on September 7, 2012, she spoke to Parminder BUTTAR on the phone. BUTTAR is the husband of the owner of Yager's Payless Dry Cleaning. BUTTAR told MALLOY that Yager's Payless Dry Cleaning was supplied Perc by Prairie Distributors (B.C.) Inc.

74. On November 5, 2012, MALLOY advised me that:

- a. earlier that day, Ron GRAHAM and her completed a cautioned interview with Gurjunder BUTTAR and Parminder BUTTAR of Yager's Payless Dry Cleaning;
- b. Kawal KAHILON attended the interview and assisted with translating portions of the interview between Punjab and English;
- c. KAHILON would transcribe the interview and translate all Punjab portions into English.

75. On November 13, 2012, MALLOY emailed me a copy of the interview transcript (included as Exhibit 6). The transcript was emailed to MALLOY on November 13, 2012 by KAHILON. On November 15, 2012, I reviewed the transcript. According to the transcript:

- a. G. BUTTAR states she owns Yager's Payless Dry Cleaning;
- b. P. BUTTAR states he does most of the cleaning of the machine at Yager's Payless Dry Cleaning;
- c. G. BUTTAR states the dry-cleaning machine at Yager's Payless Dry Cleaning uses Perc;

- d. P. BUTTAR states that PDI removed waste from Yager's Payless Dry Cleaning 2 weeks ago;
- e. P. BUTTAR states PDI has picked up Perc waste on more than once from Yager's Payless Dry Cleaning;
- f. P. BUTTAR states that waste had been at Yager's Payless Dry Cleaning for 3 years;
- g. G. BUTTAR states Yager's Payless Dry Cleaning purchases Perc from PDI;
- h. G. BUTTAR states that the legal name of the business is One Stop Payless Dry Cleaning Ltd.;
- i. P. BUTTAR states the dry cleaner is doing business as Yager's Payless Dry Cleaning Ltd.;
- j. G. BUTTAR states that invoices for Perc purchased for Yager's Payless Dry Cleaning Ltd. are addressed to One Stop Payless Dry Cleaning Ltd. located at 9265 Scott Rd.;
- k. P. BUTTAR states that drivers that come to remove Perc waste have never told P. BUTTAR that he needs a secondary containment system;
- l. P. BUTTAR states that PDI has never got him to sign a form stating he was required to have a secondary containment system;
- m. G. BUTTAR states that a Perc supplier has never refused to supply Perc to the business;
- n. G. BUTTAR brought documents for MALLOY to review;
- o. MALLOY had G. BUTTAR sign an Informed Consent form to look at the documents and take photographs of the invoices;
- p. GRAHAM took photographs of each document.

76. On November 15, 2012, I accessed copies of the photographs GRAHAM took on November 5, 2012 via Environment Canada's secure online network. I have provided a summary of the photographed invoices from Prairie Distributors (BC) Inc.:

- a. an invoice dated March 26, 2012, for the purchase of 72 liters of Perc, sold and shipped to Yager's Cleaners located at 8829 120 St., Surrey, BC Delta;
- b. an invoice dated June 25, 2012, for the purchase of 72 liters of Perc, sold to One Stop Payless at 9265 120th St., Delta, BC and shipped to Yagers at 8829 120th St, Surrey;
- c. an invoice dated July 30, 2010, for the purchase of 72 liters of Perc. sold to One Stop Payless at 9265 120th St., Delta, BC and shipped to Yagers at 8829 120th St., Surrey, BC;
- d. an invoice dated November 12, 2010 for the purchase of 72 liters of Perc, sold to One Stop Payless at 9265 120th St., Delta, BC and shipped to Yagers at 8829 120th St, Delta, BC;
- e. an invoice dated January 9, 2012, for the purchase of 72 liters of Perc, sold and shipped to Yager's Cleaners at 8829 120th St, Surrey, BC;
- f. an invoice dated April 24, 2009, for the purchase of 72 liters of Perc, sold and delivered to Yager's Cleaners at 8829 120th St, Surrey, BC;
- g. an invoice dated March 13, 2008, for the purchase of 72 liters of Perc, sold and shipped to Yager's Cleaners at 8829 120th St, Surrey, BC;

- h. an invoice dated June 5, 2008, for the purchase of 72 liters of Perc, sold and shipped to Yager's Cleaners at 8829 120th St, Surrey, BC;
- i. an invoice dated September 26, 2008, for the purchase of 72 liters of Perc, sold and shipped to Yager's Cleaners at 8829 120th St, Surrey, BC;
- j. an invoice dated January 19, 2012, for the purchase of 144 liters of Perc, sold to One Stop Payless at 9265 120th St., Delta, BC and shipped to Yagers 8829 120th St., Delta, BC;
- k. an invoice dated January 6, 2012, for the purchase of 216 liters of Perc, sold to One Stop Payless at 9265 120th St., Delta, BC and shipped to Yagers 8829 120th St., Delta, BC.

B. Review of Annual Report by Prairie Distributors (BC) Inc.

77. According to Section 13 and Schedule 3 of the *Tetrachloroethylene (Use in Dry Cleaning and Reporting Requirements) Regulations*:

13. A person who, in a calendar year, sells tetrachloroethylene to the owner or operator or a dry-cleaning machine shall

(b) Submit a report to the Minister, no later than April 30 of the following calendar year, in a form determined by the Minister and containing the information specified in Schedule 3.

Schedule 3

3. Information respecting sales during a calendar year:

(a) calendar year

(d) for each dry-cleaning facility:

(i) name, civic and postal addresses of the owner or operator of the facility

(ii) for each sale, the quantity, in kilograms, of virgin tetrachloroethylene sold and the date of the sale

(iii) for each sale, the quantity, in kilograms, of recycled tetrachloroethylene sold and the date of the sale

78. Prairie Distributors (B.C.) Inc. Annual Reports from 2004 to 2011 are retained in Environment Canada's office located at 201-401 Burrard St, Vancouver, British Columbia, by Enforcement Officer Pia RASMUSSEN. On September 14, 2012, RASMUSSEN provided me with Prairie Distributors Inc's. 2011 Annual Report. While reviewing the 2011 Annual Report I observed:

- a. a list of all Perc sales made in 2011 by the Prairie Distributors (B.C.) Inc. office in Richmond, British Columbia;
- b. a list of the company names, street addresses and phone numbers of the dry cleaners that were sold Perc in 2011; and
- c. the date and quantity of Perc sold to each dry cleaner in 2011;

79. All the noncompliant dry cleaners listed in Table 1 were listed in the 2011 Annual Report as having purchased Perc from Prairie Distributors (BC) Inc. with the exception of:

- a. Boundary Park Cleaners;
- b. Hallmark Cleaners Ltd.

80. As mentioned in paragraphs 34 and 48 officers completing inspections of the dry cleaners were told by the owner, operator or employee that they are sold Perc by Prairie Distributors (B.C.) Inc.

81. As mentioned in paragraph 35 the latest know purchase of Perc from Prairie Distributors (B.C.) Inc. to Boundary Park Cleaners was on February 21, 2012.

82. I found the earliest known purchase of Perc from Prairie Distributors (B.C.) Inc. to Hallmark Cleaners Ltd. to be on April 1, 2008. I evidence of this purchase while reviewed Prairie Distributors (B.C.) Inc. 2008 Annual Report on November 17, 2012

Grounds to Believe that the Items to be Searched for Will Afford Evidence of the Offence:

Relationship Between PDI and Enviro-Serv Recycling Services Inc.

83. On September 13, 2012, I received a copy of a risk management search from Enforcement Officer Isak STRAMPE. The original search was completed by Environment Canada Intel Manager, Bryan EGGLESTON. EGGLESTON submitted the search to STRAMPE. The search was completed on Prairie Distributors (B.C.) Inc. on September 13, 2012, using Dunn and Bradstreet's online tools. The search provides background corporate information including a company summary, predictive scores of credit capacity, trade payments, public filings and a summary of operations. According to the report:

- a. Nas HASSANALI has been the President, Director, Chief Executive Officer of Prairie Distributors (B.C.) Inc. since 1997;
- b. Prairie Distributors (B.C.) Inc. line of business is the wholesales of dry cleaning plant equipment and supplies.

84. The BC Online Registry is a database maintained by the British Columbia government on corporate registry information. On September 13, 2012, STRAMPE provided me with a copy of the corporate search for Prairie Distributors (B.C.) Inc. STRAMPE completed the original search on September 13, 2012. According to the search:

- a. Prairie Distributors (BC) Inc. is registered as an Extraprovincial Company in BC with Registration Number: A0042707;
- b. Attorney Information for Prairie Distributors (B.C) Inc. is: LADHA, Amir;
- c. head office information is: 160, 6651 Elmbridge Way, Richmond, BC, V7C 5C2, Canada;
- d. Foreign Jurisdiction: Alberta

85. On September 16, 2012 I received an email from Enforcement Officer Tracy MITCHELL. In the email, MITCHELL provided a copy of a corporate search on Prairie Distributors (B.C.) Inc. completed for the Province of Alberta. According to the corporate search:

- a. Nasrullah HASSANALI is the Director of Prairie Distributors (B.C.) Inc.;
- b. Nasrullah HASSANALI is a 51% voting share holder of Prairie Distributors (B.C.) Inc.;
- c. Nigar LADHA is a 49% voting share holder of Prairie Distributors (B.C.) Inc.

86. On September 13, 2012, I accessed Prairie Distributors (B.C.) Inc. website (www.pdibc.ca). According to the website:

- a. Prairie Distributors (B.C.) Inc. deals in a host of products and services for use in the dry cleaning industry. These include dry cleaning chemicals and machinery (new and used);
- b. Prairie Distributors (B.C.) Inc. has a link on its website for Union, which makes dry cleaning machines and waste water treatment systems;
- c. Nas HASSANALI is the owner of Prairie Distributors (B.C.) Inc.;
- d. Amir LADHA is the Branch Manager of the British Columbia Prairie Distributors (B.C.) Inc. office;
- e. Nigar LADHA is responsible for the Order Desk in the British Columbia Prairie Distributors (B.C.) Inc. Office;
- f. the head office for Prairie Distributors (B.C.) Inc. is located at 160 – 6651 Elmbridge Way, Richmond, British Columbia. The phone number is 604-231-9334 and the fax number is 604-231-9335;
- g. Enviro-Serv Recycling Services Inc. was added to Prairie Distributors (B.C.) Inc. corporate portfolio in 2000;
- h. a similarly named company, Environmental Recycling Services Inc. was also listed on Prairie Distributors (B.C.) Inc. website. The website stated that:
 - a. for pick up of product to be recycled please call your local office of PDI;
 - b. The manager of Environmental Recycling Services Inc. is Nash KANA. The phone number provided for KANA is 604-815-9585.

87. On September 19, 2012, I received the results of a BC Online corporate search completed by STRAMPE for Enviro-Serv Recycling Services Inc. The results of the corporate summary state:

- a. Enviro-Serv Recycling Services Inc. is an Extraprovincial Company in BC with registration number: A0055652;

- a. three deliveries of Perc were made to A-Star Cleaners by Prairie Distributors (B.C.) Inc. in 2011;
- b. 72 litres of Perc was delivered to A-Star Cleaners on November 24, 2011;

97. On July 19, 2012 Enforcement Officer Pia RASMUSSEN informed me she received a copy of an invoice for sludge (residue) and waste water removed from Polo Cleaners. Polo Cleaners sent the documents to RASMUSSEN at her request by mail. The document was dated April 13, 2012 and was for work done by Enviro-Serv Recycling Services Inc.

98. On August 28, 2012, I received an email from Enforcement Officer, Tanya MALLOY. In the email MALLOY attached a copy of an email she received on September 14, 2011 from AI RASUL of Prairie Distributors (B.C.) Inc. RASUL states in the email:

- a. dry cleaners must fill out and sign a compliance check list before Perc can be delivered;
- b. a copy of the checklist is retained at the office of Prairie Distributors (B.C.) Inc.;
- c. the checklist states the following:

Tetrachloroethylene (Perc) delivery, sludge and waste water pick up will be initiated by Prairie Distributors Inc unless all of the following are in compliance with Environment Canada compliance requirements:

- 1) *Is there spill tray under the dry cleaning machine that would hold 100% of the solvent stored in the dry cleaning machine?*
- 2) *Is there sludge containment tray that would hold 110% of the volume of sludge Barrel storey on the tray?*
- 3) *Is there waste water containment try that would hold 110% of the volume of waste water barrel stored on the tray?*

99. On August 28, 2012, I received an email from Celia Wong, a Senior Compliance Promotional Scientist with Environment Canada. WONG's duties include sending compliance and promotional packages to Perc sellers and creating awareness about the dry-cleaning industry obligations under the *Tetrachloroethylene (Use in Dry Cleaning and Reporting Requirements) Regulations.*

100. WONG advised that:

- a. on November 30, 2003 the BC Fabricare Association hosted an information session at the Executive Inn located at 4201 Lougheed Highway in Burnaby, British Columbia. The information session was to;
- b. present the regulatory details of *Tetrachloroethylene (Use in Dry Cleaning and Reporting Requirements) Regulations.;*

- b. Attorney Information for Enviro-Serv Recycling Services Inc. is: LADHA, AMIR and his mailing address is Prairie Distributors (BC) Inc., 160-6651 Elmbridge Way, Richmond, British Columbia, V7C 4N1, Canada;
- c. Head Office information: 104, 1135-64th Ave SE, Calgary, Alberta, T2H 2J7, Canada;
- d. Foreign Jurisdiction: Alberta.

88. On September 16, 2012, I received an email from Enforcement Officer, Tracy MITCHELL. In the email, MITCHELL provided a copy of a corporate search on Enviro-Serv Recycling Services Inc. completed for the Province of Alberta. According to the corporate search:

- a. Nasrullah HASSANALI is the Director of Enviro-Serv Recycling Services Inc.;
- b. Nasrullah HASSANALI is a 100% voting share holder of Enviro-Serv Recycling Services Inc.

89. On June 20, 2012, I received an email from the owner of A-Star Dry Cleaners, Zhong HUA YAO (Ivan). In the email, YAO provided me a copy of a *Pick Slip/Order Confirmation* for waste removed by Enviro-Serv Recycling Services Inc. According to the *Pick Slip/Order Confirmation*:

- a. the contact details of Enviro-Serv Recycling Services Inc. and Prairie Distributors (B.C.) Inc. are identical;
 - a. Enviro-Serv Recycling Services Inc. address is 160 – 6651 Elmbridge Way, Richmond, British Columbia, V7C 5C2;
 - b. Enviro-Serv Recycling Services Inc. phone number is 604-231-9334 and facsimile number is 604-231-9335

90. On September 18, 2012, I accessed the British Columbia Ministry of Environment website. According to the website:

- a. Enviro-Serv Recycling Service Inc. is listed as a licensed transporter of dry-cleaning hazardous waste;
- b. Enviro-Serv Recycling Services Inc. hazardous waste transport license (LT1078) expires on December 7, 2012;
- c. the phone number for Enviro-Serv Recycling Service is the same as Prairie Distributors (B.C.) Inc. (604-231-9334);
- d. the address for Enviro-Serv Recycling Service Inc. is listed as 130-5811 Cedarbridge Way in Richmond, British Columbia.

91. On October 31, 2012, I was informed by Enforcement Officer Isak STRAMPE that he had visited the building located at 5811 Cedarbridge Way in Richmond, British Columbia earlier that day. STRAMPE reported that:

- a. the building with the address of #130-5811 Cedarbridge Way in Richmond, British Columbia appeared to be empty;

- b. a paper sign covering the main slot in the door of #130 indicated to proceed to unit #150 for inquiries;
- c. a sign on the face of building 5811 Cedarbridge Way above #130 read PC Flooring;
- d. STRAMPE spoke to a lady at a counter inside #150. This lady stated:
 - a. Enviro-Serv Recycling Services Inc. was not located at 130-5811 Cedarbridge Way, Richmond, British Columbia;
 - b. she had never heard of Enviro Serv Recycling Services Inc;
 - c. she is employed by PC Flooring.

92. On October 31, 2012, I was advised by Enforcement Officer Isak STRAMPE that he had visited the Prairie Distributors (BC) Inc. office located at 160 – 6651 Elmbridge Way, Richmond, British Columbia earlier that day. STRAMPE reported that:

- a. wording on the window in the building located at 160-6651 Elmbridge Way, Richmond, British Columbia read: PDI, Prairie Distributors (B.C.) Inc. 604-231-9931;
- b. a white cube truck with markings on its sides indicating Prairie Distributors (BC) Inc. was observed parked parallel to the warehouse bay door;
- c. a male employee was seen unloading a load from the cube truck and then loading two loads into the cube truck by means of a fork lift.

93. Based on the above information I believe that Prairie Distributors (B.C.) Inc. and Enviro-Serv Recycling Services Inc. are operated as the same company.

- a. The two companies are located at the same address: 160 – 6651 Elmbridge Way, Richmond, British Columbia, V7C 5C2.
- b. The two companies share the same phone (604-231-9334) and fax numbers (604-231-9335).
- c. Nasrullah HASSANALI is the owner of Enviro-Serv Recycling Service Inc. and majority owner of Prairie Distributors (B.C.) Inc.
- d. Amir LADHA is associated with both businesses.
- e. Enviro-Serv Recycling Services Inc. is listed as part of Prairie Distributors (B.C.) Inc. corporate portfolio.

94. On June 20, 2012, I received an email from the owner of A-Star Cleaners, Zhong HUA YAO (Ivan). Attached to the email was a copy of a *Pick Slip/Order Confirmation* from Enviro-Serv Recycling Services Inc. and a letter addressed to A-Star Cleaners from Prairie Distributors (B.C.) Inc.

95. According to the *Pick Slip/Order Confirmation* one container of sludge (residue) was removed from A-Star's on November 24, 2011;

96. According to the letter from Prairie Distributors (B.C.) Inc. dated March 26, 2012:

- c. during the information session an attendance form was passed around and retained by WONG. On one of the attendance sheets:
 - a. under the header Company Name/Cleaner P.D.I. was handwritten; and
 - b. next to P.D.I. under the header Name, Bill and Jenal had been handwritten.
- d. On a second attendance sheet:
 - a. under the header Company Name/Cleaners, P.D.I. was handwritten; and
 - b. next to P.D.I. under the header Name, an indistinguishable signature was written.

101. On September 21, 2012, I received an email from Senior Compliance Promotional Scientist Celia WONG. She advised me that:

- a. a reminder to submit an Annual Report to Environment Canada was sent to Prairie Distributors (B.C.) Inc. annually from 2003 to 2012; and
- b. various reminders on the obligations of sellers under the *Tetrachloroethylene (Use in Dry Cleaning and Reporting Requirements) Regulations* was included in the package;
- c. in 2008, the compliance and promotional package sent to Prairie Distributors (B.C.) Inc. contained a notice that they are prohibited from selling Perc to an owner or operator of a dry-cleaning machine that is not equipped with a secondary containment system.

Grounds to Believe that the Items to be Searched for are in the Place to be Searched:

102. On November 15, 2012, I traveled to the building at 160-6651 Elmbridge Way, Richmond, British Columbia. Upon arrival at the address I observed:

- a. a sign on the front of the building with the phrase Prairie Distributors (B.C.) Inc.
- b. two delivery trucks with markings on their side indicating Prairie Distributors (B.C.) Inc. were observed in front of the building.

103. On October 18, 2012, I spoke to Oana ENICK, an Environmental Protection Officer with the British Columbia Ministry of Environment. During the conversation ENICK told me that:

- a. she inspected Prairie Distributors (B.C.) Inc. facility located at 160-6651 Elmbridge Way, Richmond, British Columbia on July 11, 2012;
- b. the inspection was completed to determine compliance under the British Columbia Ministry of Environment, Environmental Management Act and Hazardous Waste Regulation;

- c. all documents she requested were available at Prairie Distributors (B.C.) Inc. office located at 160-6651 Elmbridge Way, Richmond, British Columbia. No documents had to be retrieved from another location;
- d. she believes that Prairie Distributors (B.C.) Inc. and Enviro-Serv Recycling Services Inc. operate out of the same office located at 160-6651 Elmbridge Way, Richmond, British Columbia.

104. According to Section 16 of the *Tetrachloroethylene (Use in Dry Cleaning and Reporting Requirements) Regulations* a Perc seller must keep books, records, reports and any documentation, including shipping records supporting the information provided to Environment Canada. These documents must be kept at the sellers principal place of work for a period of at least 5 years.

105. On September 14, 2012, Isak STRAMPE visited the outside of Prairie Distributors (B.C.) Inc. office located at 160-6651 Elmbridge Way, Richmond, British Columbia. On November 6, 2012, STRAMPE submitted a copy of a report summarizing the site visit to me for my review. STRAMPE reported:

- a. seeing two cube trucks with writing on the sides indicating Prairie Distributors (BC) Inc.

106. The transport of certain quantities and concentrations of Perc, waste water and residue is regulated by the federal and provincial governments. As part of the carriers obligations specific documents are required to be carried when transporting Perc, waste water and residue.

- a. The transport of Perc is regulated by Transport Canada's *TDG Regulations* as a Class 6.1 halogenated solvent. According to Part 3 of the regulation:
 - a. the carrier of Perc must have a shipping document while transporting Perc.
- b. The transport of waste water and residue is regulated by the British Columbia Ministry of Environment *Hazardous Waste Regulation*. According to subsection 46(3) the regulation:
 - a. a movement document is required to be carried during the transport of waste water and residue.

107. Because documents are required to be carried during Perc deliveries and waste water and residue removals I believe that the documents to be searched for will also be found in Prairie Distributors (B.C.) Inc. and Enviro-Serv Recycling Services Inc. delivery vehicles. For this reason, I am seeking authorization to search Prairie Distributors (B.C.) Inc.'s and Enviro-Serv Recycling Services Inc. delivery vehicles onsite during the search.

108. On November 7, 2012, I spoke to an Occupational Safety Officer with WorkSafeBC, Alan YON. YON told me that to the best of his knowledge Perc is a controlled product and therefore companies that deliver Perc are subject to subsection 5.6 and 5.7 (*Part 5: Chemical Agents and Biological Agents*) of the

Occupational Health and Safety Regulation. On November 7, 2012, I reviewed the *Occupational Health and Safety Regulation*:

- a. subsection 5.7 states that an employer must ensure that an employee who works with or works in proximity to a controlled product must be trained in procedures on how to properly handle the substance. Procedures needed may include transferring the controlled product using pipes or valves, storage of the controlled product and disposal of the controlled product;
- b. subparagraph 5.7(2) states that training must be specific to the workplace and cover the safe work procedures and the emergency response procedures;
- c. a report titled *WHMIS At Work* published by WorkSafeBC (2005) was attached to subparagraph 5.7(2). According to page 35 of the document:
 - a. *safe work procedures should be written and they should address the specific hazards of the controlled product and how it is used in the workplace.*
- d. based on the *WHMIS At Work* report, a written copy of the safe work procedures for handling Perc required under subsection 5.7 of the *Occupational Health and Safety Regulation* will be available from Prairie Distributors (B.C.) Inc. 160-6651 Elmbridge Way, Richmond, British Columbia.

109. Prairie Distributors (B.C.) Inc./Enviro-Serv Recycling Services Inc. are not required by the *Tetrachloroethylene (Use in Dry Cleaning and Reporting Requirements) Regulations* to retain documents related to the removal of waste water and residue from dry-cleaning facilities. However, as mention in paragraphs 95 and 96, A-Star Dry Cleaners had sludge (residue) removed from their site and received a receipt called *Pick Slip/Order Confirmations* from Enviro-Serv Recycling Services Inc. Enviro-Serv Recycling Services Inc. address on the Pick Slip is for the location to be searched (160-6651 Elmbridge Way, Richmond, British Columbia). I have reason to believe that copies of this type of receipt or similar records related to waste water and residue removal services completed by Prairie Distributors (B.C.) Inc./Enviro-Serv Recycling Services Inc. are retained at Prairie Distributors (B.C.) Inc. office at 160-6651 Elmbridge Way, Richmond, British Columbia.

110. As mentioned in paragraph 86, according to Prairie Distributors (B.C.) Inc's. website the company deals in a host of products and services for use in the dry cleaning industry. This includes dry cleaning machinery (new and used). The website (I accessed on September 13, 2012) states that Prairie Distributors (B.C.) Inc. has a parts and service department. Furthermore, Earl HALES and Jim FISHER are listed as dry cleaning technicians. This leads me to believe that Prairie Distributors (B.C.) Inc. offers repair services for dry-cleaning machines. I believe this would include the sale and service of waste water treatments systems such as those found without secondary containment systems during inspections of dry cleaners. I have reason to believe that records for these repair services will be retained at Prairie Distributors (B.C.) Inc. office at 160-6651 Elmbridge Way, Richmond, British Columbia.

111. As mentioned in paragraph 98, Al RASUL of Prairie Distributors (B.C.) Inc. stated that compliance checklists filled out by dry cleaners prior to Perc deliveries are retained at Prairie Distributors (B.C.) Inc. office. I have reason to believe that these checklists are retained at Prairie Distributors (B.C.) Inc. office located at 160-6651 Elmbridge Way, Richmond, British Columbia.

112. As mentioned in paragraph 101, Celia WONG a Senior Compliance Promotional Scientist with Environment Canada has sent out various reminders to Prairie Distributors (B.C.) Inc. on the obligations of sellers under the *Tetrachloroethylene (Use in Dry Cleaning and Reporting Requirements) Regulations* to the office of Prairie Distributors (B.C.) Inc. I have reason to believe that these reminders will be retained at Prairie Distributors (B.C.) Inc. office located at 160-6651 Elmbridge Way, Richmond, British Columbia.

113. As described in paragraph 106, Prairie Distributors (B.C.) Inc. and Enviro-Serv Recycling Services Inc. are required by law to carry documents (shipping document and movement documents) when making Perc deliveries and removing waste water and residue from dry cleaners. It is reasonable for me to believe that the delivery drivers are providing a receipt such as *Pick Slip/Order Confirmation* (discussed in paragraph 40) to the dry cleaner for Perc delivered and waste water and residue removed. I also have reason to believe that documents requested to be present will be present in Prairie Distributors (B.C.) Inc./Enviro-Serv Recycling Services Inc. delivery vehicles.

114. As mentioned in paragraph 108, Prairie Distributors (B.C.) Inc./Enviro-Serv Recycling Services Inc. are required under the *Occupational Health and Safety Regulation* to develop safe work procedures for handling Perc. For this reason, I have reason to believe that safe work procedures will be present at Prairie Distributors (B.C.) Inc. office located at 160-6651 Elmbridge Way, Richmond, British Columbia.

115. I know from experience from completing over a dozen inspections of dry-cleaning facilities that:

- a. the owner or operator of a dry-cleaning facility may not purchase every year;
- b. the owner or operator of a dry-cleaning facility may purchase Perc multiple times in one year;

116. The most recent known purchase of Perc from Prairie Distributors (B.C.) Inc. that extends the furthest back in time was at Hallmark Cleaners Ltd. on April 1, 2008 (mentioned in paragraph 82);

117. The most recent inspection completed by an Environment Canada Enforcement Officer was on August 28, 2012 (as mentioned in paragraph 70);

118. I have reason to believe that Prairie Distributors (B.C.) Inc. had the opportunity to deliver Perc up to the date each of the 21 dry-cleaning facilities were inspected by Environment Canada Enforcement Officers.

119. For this reason, I have reasonable grounds and probable grounds to search for all the forgoing relating to:

- a. the sale of tetrachloroethylene (Perc) by Prairie Distributors (B.C.) Inc. (PDI) to 21 owners or operators of dry-cleaning machines that are present within dry-cleaning facilities that use Perc for dry-cleaning apparel goods in British Columbia which had at least one container of Perc, waste water and/or residue that was not equipped with a secondary containment system
- b. between April 1, 2008 and August 28, 2012

Grounds for Believing in the Necessity of Provision for Searching Computer Systems

120. The level of management authority of Prairie Distributors (B.C.) to keep such information recorded on paper or as data stored on or available to a computer system at the place to be searched. It has been my experience that computers are commonly used by corporations, to maintain records and correspondence and that these records are further stored on media capable of being read by a computer. During the course of this investigation, I have observed type written letters from Prairie Distributors (B.C.) Inc. addressed to dry cleaners summarizing their yearly purchases of Perc. Prairie Distributors (B.C.) Inc. also has an internet website located at 'www.pdibc.ca' which has the following email address: pdvan@telus.net for its office in British Columbia.

121. In regards to the searches of computers at the Prairie Distributors (B.C.) Inc. office, I have sought the expertise of the Electronic Evidence Unit from the Competition Bureau, to assist with this search as our division does not have this capability in-house. In the course of my inquiries I have received information from Mario MAINVILLE, the Electronic Evidence Unit Coordinator with Competition Bureau. MAINVILLE supervises Matthew KYRYTOW, the member of the Competition Bureau Electronic Evidence Unit who will be assisting with the search. According to MAINVILLE, whose information I do verily believe to be true, that:

- a. Based on my experience in investigating competition matters under the Competition Act, I have observed that, in the normal conduct of business, companies use computer systems for their day to day operations. I believe that some of the records to be searched for described above in this Information will be found in the form of data suitable for use in a computer system.
- b. Forensic practices and procedures are used when conducting searches for data. Competition Bureau Canada has electronic evidence officers trained to conduct searches of computer systems, data storage devices and media pursuant to sections 15 and 16 of the Competition Act.
- c. Based on my knowledge, training, and experience, I know that:

- i. Data is stored in a variety of different formats, some of which are not readily accessible without the specific software and/or hardware on which they were created.
- ii. Data may be recovered months or even years after it has been created, deleted, copied to a data storage device or media or viewed via the Internet.
- iii. Data may be stored on data storage devices. The devices may hold large volumes of data and are used in office environments as removable storage for data, such as digital cameras, USB [universal serial bus] devices (these could be disguised as, for example, watches or pens), mobile phones, mobile computers, flash drives, smart cards, etc.
- iv. Many operating systems and computer programs create temporary files containing records such as a history of web sites visited, files printed or fax transmissions, in order to facilitate efficient operation of these operating systems and computer programs. This may result in the creation of data without user knowledge or intervention.
- v. Traces of transient, erased or deleted data persist on computer systems, data storage devices or some media until the space that was allocated to them is re-used.
- vi. The use of hardware security devices, passwords, log-on codes and encryption keys is commonplace and can substantially impede or, in some cases, prevent the search and seizure of records or other things that are contained in a computer system, computer program, data storage device or media.

- d. In this case, the affiant requests authorization to use or cause to be used any computer system on the premises to search any data contained in or available to the computer system; to reproduce the record or cause it to be reproduced from the data in the form of a printout or other intelligible output and to seize the printout or other output for examination or copying.
- e. Matthew KYRYTOW an electronic evidence officer, has conducted searches of computer systems, data storage devices and media and in order to assist with accessing, searching, examining, copying and seizing data found on computer systems, data storage devices or media, authorization is being sought to:
 - i. Use forensic practices and procedures for acquiring electronic evidence, while attempting to minimize the impact on business functions;
 - ii. Use or cause to be used, and/or seize, any computer system, data storage device, media, computer programs or associated documentation, including operating

instructions, manuals and service records present on the premises;

- iii. Use or cause to be used, any computer system, data storage device, media or computer program brought onto the premises by the persons authorized to execute the warrant;
- iv. Require any person who is in possession or control of the premises, including, where applicable, a computer system administrator or other custodian of information of a computer system on the premises, to permit any person named in the warrant to use or cause to be used any computer system or part of it on the premises by making accessible all data contained in any computer system, computer program, data storage device or media for the purposes of searching or seizing such data;
- v. Seize or produce an image of data from which they are unable to acquire the substance or meaning at the premises, for further off-site examination; and
- vi. Employ, retain, direct or engage other persons to assist in the search of the named premises including the services of computer consultants or diagnosticians, which person would, in the presence of persons authorized in the warrant, attend at the premises and perform such tasks as may assist the persons authorized in the warrant to carry out their functions authorized by the warrant.

f. Matthew KYRYTOW has informed me that the following practices and procedures may be used as circumstances dictate:

- i. Search the computer system, data storage device or media and print or cause to be printed a copy of the records on-site;
- ii. Search the computer system, data storage device or media and reproduce an electronic copy of the records on-site;
- iii. Search the computer system, data storage device or media and produce an image of data to search and reproduce records off-site; or
- iv. Seize the computer system, data storage device or media and remove it/them from the premises, to search data and reproduce records off-site.

g. Some of these practices and procedures, specifically the steps described above in paragraph f, sub-paragraphs (i) and (iv), may result in the seizure of data containing records that are not described in Appendix A. Electronic evidence officers and anyone under their direction will take

steps to ensure that such data, with the exception of data that falls within the provisions of s. 489 of the *Criminal Code*, will not be accessible to anyone else. The following procedures will be followed in order to identify and search data from which records described in Appendix A can be reproduced, and to minimize access to data that contain records that are not described in Appendix A:

- i. Where an image is produced as provided for in paragraph f, sub-paragraph (iii):
 - (a) a true copy and a working copy of the seized image will be made in addition to any copy that may be provided to the party from whom it was seized;
 - (b) the seized image and the true copy will be sealed to protect the integrity of the data;
 - (c) the working copy will be examined by electronic evidence officers and anyone under their direction and records described in Appendix A will be reproduced;
 - (d) access to the working copy will thereafter remain under the control of electronic evidence officers;
 - (e) any further searching of data from the working copy, by electronic evidence officers and anyone under their direction, will be confined to data from which records described in Appendix A can be reproduced, or as required within proceedings that may arise from the search or investigation;
 - (f) in order to minimize the examination of data containing records that are not described in Appendix A, the persons examining the working copy will use forensic and electronic discovery practices and procedures to identify and search data from which records described in that paragraph can be reproduced; and
 - (g) electronic evidence officers and anyone under their direction will keep confidential all data found within the working copy containing records that are not described in Appendix A, with the exception of things that fall within the provisions of s. 489 of the *Criminal Code*.
- ii. A similar process will be followed where a person authorized to execute the warrant, other than an electronic evidence officer, considers it necessary to seize a computer system, data storage device or media from the premises

(as described in paragraph f, sub-paragraph (iv)). In such a case:

- (a) the computer system, data storage device or media will be transferred to an electronic evidence officer, who may produce an image or extract data in order to produce records described in Appendix A; and
- (b) further handling will be as described above.

Conclusion

122. Accordingly, I believe the things I seek will provide relevant evidence in my investigation into the sale of tetrachloroethylene by Prairie Distributors (B.C.) Inc. to 21 dry-cleaning business with no secondary containment system for containers of Perc, waste water and/or residue (table 1).
123. I believe the things I seek are located in the premises and delivery vehicles of Prairie Distributors (B.C.) Inc. and Enviro-Serv Recycling Services Inc. located at 160-6651 Elmbridge Way, Richmond, British Columbia, V7C 5C2.
124. I request that any Warrants issued in relation to this Information allow for the execution to take place during daylight hours on November 21, 2012.

Appendix 1

Exhibit 1

Table 1: Dry-cleaning business in which documents are requested to be searched at Prairie Distributors (B.C.) Inc. office in Richmond, British Columbia. Note that dry cleaner names may vary slightly. For example, "Acme Cleaners" may sometimes appear as "Acme Dry Cleaners" or "Acme Drycleaners".

Regulatee	Address	City	Postal Code
BUSY BEE CLEANERS (41ST AVE) - SONG'S DRYCLEANERS	3556 - 41ST AVE W	Vancouver	V6N3E6
CHECKMATE DRY CLEANING	4001 KNIGHT ST	Vancouver	V5N3L9
CONNAUGHT CLEANERS	3218 OAK ST	Vancouver	V6H2L3
ESQUIRE FINE CLEANERS - TAAAF INVESTMENTS INC.	1915 CORNWALL AVE	Vancouver	V6J1C8
VANITY CLEANERS LTD	1178 DAVIE ST	Vancouver	V6E1N1
MACDONALD DRY CLEANING	4103 MACDONALD ST	Vancouver	V6L2P1
POLO CLEANERS - W. D. SERVICE ENTERPRISE LTD.	1247 DAVIE ST	Vancouver	V6E1N4
SPARKLE CLEANERS LTD	3223 FRASER ST	Vancouver	V5V4B8
BOUNDARY PARK CLEANERS - SULAK ENTERPRISES LTD	133 - 6350 120TH ST	Surrey	V3X3K1
SAVE ON DRY CLEANING LTD - DALJIT DHILLON ENTERPRISE LTD.	7690 134TH ST	Surrey	V3W7T8
SUNNYSIDE BUSY BEE CLEANERS	2387 KING GEORGE HWY	Surrey	V4A5A4
WESTVIEW DRYCLEANERS AND LAUNDROMAT - AMKAN ENTERPRISES LTD	4296B JOYCE AVE	Powell River	V8A3A2
HALLMARK CLEANERS LTD	2505 ST JOHNS ST	Port Moody	V3H2B3
JEFFERIES DRY CLEANERS - GOLDEN ROCK HOLDINGS LIMITED	2045 OLD DOLLARTON ROAD	North Vancouver	V7H1A6
LESTERS CLEANERS - 467891 BC LTD	124 14TH ST E	North Vancouver	V7L2N3
TIP TOP DRY CLEANING - Z & Z ENTERPRISES	816 12TH ST	New Westminster	V3M4K1
GENIE'S FINE DRYCLEANING	7263 - 120TH ST	Delta	V4C6P5
MONEY'S DRYCLEANING - 0901944 BC LTD	4000 EAST HASTINGS	Burnaby	V5C2H9
TUESDAYS DRY CLEANERS	7583 EDMONDS ST	Burnaby	V3N1B5
A-STAR DRY CLEANERS - 0864288 BC LTD	6261-A KINGSWAY	Burnaby	V5J1H4
YAGER'S PAYLESS DRY CLEANING/ONE STOP PAYLESS	8829 120 ST / 9265 120 ST	Delta	V4C6R6/ V4C6R8

Exhibit 2

Table 2: A list of noncompliant dry cleaners that were sold Perc by Prairie Distributors (B.C.) Inc. The date of inspection, the name of the inspecting officers and the person spoken to at the dry-cleaning facility is provided. Note that the name of the individuals spoken to may be an alias's. For example, Jong Bae Song of Busy Bee Cleaners introduced himself to Officer Kendal as John Song.

Regulated	Date of Onsite Inspection	Lead Enforcement Officer during Inspection	Partner Enforcement Officer during Inspection	Person Spoken to at Dry Cleaning Facility
BUSY BEE CLEANERS (41ST AVE)	June 20, 2012	R. Kendal	P. Rasmussen	Jong Bae Song
CHECKMATE DRY CLEANING	June 21, 2012	D. Holmes	E. Graca	Gyeong Ho Lee
CONNAUGHT CLEANERS	June 21, 2012	D. Holmes	E. Graca	Jung Min Cho
ESQUIRE FINE CLEANERS - TAAAF INVESTMENTS INC.	June 18, 2012	D. Holmes	P. Rasmussen	Amin Ismail
VANITY CLEANERS LTD	June 18, 2012	P. Rasmussen	D. Holmes	Sadrudin Ibraij, Balwinder Dhillon
MACDONALD DRY CLEANING	June 20, 2012	P. Rasmussen	R. Kendal	Betty Chow
POLO CLEANERS - W. D. SERVICE ENTERPRISE LTD.	June 18, 2012	P. Rasmussen	D. Holmes	Sophie Du
SPARKLE CLEANERS LTD	June 21, 2012	D. Holmes	E. Graca	Kevin Jang
BOUNDARY PARK CLEANERS - SULAK ENTERPRISES LTD	June 19, 2012	R. Kendal	G. Gibson	Charnjit Mann
SAVE ON DRY CLEANING LTD - DALJIT DHILLON ENTERPRISE LTD.	June 19, 2012	M. McDonald	E. Graca	Daljit Dhillon
SUNNY SIDE BUSY BEE CLEANERS	June 18, 2012	R. Kendal	E. Graca	Jill Suck Oh
WESTVIEW DRYCLEANERS - AMKAN ENTERPRISES LTD	June 27, 2012	G. Gibson	-	Linda Lipka, Kirit Patel
HALLMARK CLEANERS LTD	June 20, 2012	M. McDonald	G. Gibson	Yew Lien Khung
JEFFERIES DRY CLEANERS - GOLDEN ROCK HOLDINGS LIMITED	June 21, 2012	P. Rasmussen	M. McDonald	Stella Jeong
LESTER'S CLEANERS - 467891 BC LTD	June 21, 2012	R. Kendal	G. Gibson	Ahamid Dharsi
TIP TOP DRY CLEANING - Z & Z ENTERPRISES	June 19, 2012	P. Rasmussen	D. Holmes	Javed Memon
GENIE'S FINE DRYCLEANING	June 18, 2012	G. Gibson	R. Kendal	Ming Sam Tsang
MONEY'S DRYCLEANING - 09019441 BC LTD	June 20, 2012	G. Gibson	M. McDonald	Derek Nguyen
TUESDAYS DRY CLEANERS	June 19, 2012	D. Holmes	P. Rasmussen	Shawn Kim
A-STAR DRY CLEANERS - 0884288 BCLTD	June 19, 2012	D. Holmes	P. Rasmussen	Zhong Hua Yao
YAGER'S PAYLESS DRY CLEANING/ONE STOP PAYLESS	August 28, 2012	T. Malloy	A. Gauthier	Indem Kang, Parminder Buttar

Exhibit 4

Photograph P6210156 taken by Graham GIBSON on June 21, 2012 at Lesters Cleaners.

